

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated July 27, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-21 are pending in the Application. Claims 1, 19 and 20 are independent claims.

In the Final Office Action, claims 20-21 are rejected under 35 U.S.C. §101 because the claimed apparatus does not include structural components. This rejection is respectfully traversed. However, in the interest of advancing consideration and allowance of the pending claims, the Applicants have elected to amend claim 20 to clarify that the structural components of its processing apparatus include a processor, a receiver, and a display. Claim 21 is amended to recite that these structural components are included in a video recorder. Accordingly, Applicants respectfully request withdrawal of this rejection and allowance of the rejected claims.

Claims 1-11 and 15-19 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2004/0083490 to Hane ("Hane"). Claims 12-14 are rejected under 35 U.S.C. §103(a) over Hane in view of "Innovations: [Daily Edition]" by Nicky Blackburn ("Blackburn"). Claims 20-21 are rejected under 35 U.S.C. §103(a) over Hane in view of "Exploring The Anatomy Of Multiprocessor Designs" by Robert Cravotta ("Cravotta"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-21 are allowable over Hane alone and in view of Blackburn and Cravotta for at least the following reasons.

The claims are further simplified to highlight to the Examiner that which the Applicants consider to be different from the prior art references, specifically from Hane. Claim 1 sets out "receiving a plurality of content items" and "setting a preference value for each". The amendment to the claims is not intended to narrow the scope of the prior claims and is merely submitted to further prosecution of this matter and to either promote allowance of the claims or at least, reduce pending issues and place the claims into a better condition for appeal. Accordingly, consideration and entrance of the amendment to the claims is respectfully requested.

In accordance with the present method, etc., the preference value is set high "if the content item correlates with the user preference profile". This means that typically **some content item(s)** will have the preference value set high while **other(s) will not**. The **recommending element** of the present method, etc., delineates in effect a two prong recommendation. First, the content item is recommended if its preference value is set high. In the alternative, "absent the preference value set high" (typically many of the content items will not have its preference value set high), a recommendation is made of "the content item having at least one first characteristic with an associative correspondence to at least one second characteristic of at least one previously received content item having the user preference set high". Hane does not teach, describe, or suggest this, recitation.

Similar arguments were presented to the Examiner in the Amendments dated May 20, 2010 and October 5, 2009. In the Amendment dated May 20, 2010 the Applicants pointed out that none of the **39 paragraphs of Hane** cited for showing this element teach, disclose, or suggest, this recitation. In the present Final Office Action the Examiner goes a

step further by stating that the Applicants' arguments remain unpersuasive because they "fail to demonstrate a proper rationale as to why Hane does not teach" the above argued "recommending" element of claim 1. (See page 20, second paragraph of the Final Office Action).

In response, the Applicants point out that it is the Examiner's burden to identify by column and line number the location of teachings in the prior art references of each and every element of the claim. There is no requirement in the statutes or rules of the MPEP for Applicants to demonstrate why 39 paragraphs of a reference DO NOT TEACH a two line element. In the previous Amendment the Examiner was invited, if aware of a teaching, description, or suggestion anywhere in Hane, to "specifically point out which of the numerous cited portions of Hane specifically teach, disclose or suggest this feature so that the Applicants are provided an opportunity to respond."

The Examiner did not address that request, instead, as quoted above, attempting to shift the burden to the Applicants. The Examiner did, however, provide a description of what in the referenced paragraphs 93-132 of Hane is considered important. (See pages 17-18 of the Final Office Action). The Final Office Action summary provides the following:

in paragraphs 93-109 Hane describes the following: learning user preference by first laying out the groundwork of vectors as follows: the acquisition of the data and its makeup; analysis performed for the acquired data; creation of vectors based on the analysis; an example of the steps performed; a disclosure of how the steps are performed for an entire set of programs; and

in paragraphs 110–132 Hane describes the following: taking into account the plurality various profiles in order to create specific learned preferences; an example of analysis to determine which programs would best satisfy the user's preference; using an assigning values to determine which programs best satisfies the user's preference; how the analyzed information is stored so that it can be used to recommend programs.

It is clear from the paraphrasing of Hane provided in the Final Office Action, or from the original Hane document, that paragraphs 0093-0132 of Hane do not teach, disclose, or suggest, at least the portion of the above argued "recommending" element that provides: "absent the preference value set high, recommending the content item having at least one first characteristic with an associative correspondence to at least one second characteristic of at least one previously received content item having the user preference set high".

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Hane. For example, Hane does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "absent the preference value set high, recommending the content item having at least one first characteristic with an associative correspondence to at least one second characteristic of at least one previously received content item having the user preference set high" as recited in claim 1, and as substantially recited in each of claims 19 and 20.

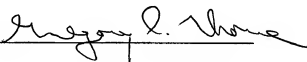
Cravotta is introduced only for showing use of multiple processors and Blackburn is introduced only for rejecting the dependent claims and as such, these references do nothing to cure the deficiencies of Hane.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 19, and 20 are patentable over Hane alone and in view of Blackburn and Cravotta and notice to this effect is earnestly solicited. Claims 2-18 and 21 respectively depend from one of claims 1 and 20 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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